

An Examiner **may** treat an amendment not fully responsive to a non-final Office action by

- A. accepting the amendment as an adequate reply to the non-final Office action to avoid abandonment under 35 U.S.C. 133 and 27 CFR 1.13;
- B. notifying the applicant that the reply must be completed within the remaining period for reply to the non-final Office action...

The MPEP further indicates that the treatment to be given to the amendment depends upon “the nature of the deficiency” and continues by saying that

“where an amendment **substantially responds to the rejections**, objections, requirements in a non-final Office action (and is a *bona fide* attempt to advance the application to final action) but contains a **minor** deficiency (e.g. fails to treat every rejection, objection, or requirement), the **examiner may simply act on the amendment** and issue a new (non-final or final) Office action. The new Office action may simply reiterate the rejection, objection or requirement not addressed by the amendment...This course of action would not be inappropriate in instances in which an amendment contains a serious deficiency...” (emphasis supplied)

It is respectfully submitted that the supplemental amendments submitted in March and April 2005 were *bona fide* attempts to advance the application, and the deficiencies were of the minor nature indicated by the MPEP that could have been acted on by the Examiner.

However, to respond to the Notice, submitted herewith is a supplemental listing of the claims.

According to the Notice, only the “Amendments to the Claims” section is required to be submitted. Accordingly, please consider the remarks submitted with the March 20, 2005 Amendment.

